

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. 7:11-00240-TMC
)	
Plaintiff,)	
vs.)	
)	
\$ 10,910.00 IN UNITED)	
STATES CURRENCY,)	
)	
Defendant <i>in Rem</i>)	

CONSENT ORDER OF FORFEITURE

This in rem forfeiture action was filed on January 3, 2011, concerning \$10,910.00 in United States currency (“Defendant Currency”) seized on or about July 22, 2011, by the Spartanburg County Sheriff’s Office. The seizure was subsequently adopted by the Drug Enforcement Administration.

The Government served the known potential claimant, Jaleel Lateef Battles, and his attorney, George C. Johnson, by providing them with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on February 7, 2011 (Docket Entry 5). As set forth in the Declaration of Publication filed with the court on March 23, 2011 (Docket Entry 13), and in accordance with Supplemental Rule G(4), Fed. R. Civ. P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov”, for at least 30 consecutive days, beginning on February 12, 2011, and ending on March 13, 2011. Any unknown person claiming an interest in the Defendant Currency was required to file a claim within sixty days after the first date of such publication (by April 13, 2011).

Jaleel Lateef Battles was the only person to file a Claim in this case contesting forfeiture. All time limits for the filing of other claims have now expired, with no requests for extensions being made or granted.

The United States and Jaleel Lateef Battles have reached the following settlement. First, \$5,455.00 of the Defendant Currency is to be returned to Jaleel Lateef Battles by the United States issuing an electronic funds transfer payment in that amount to “Johnson, Toal, and Battiste, P.A. Trust Account.”¹ Second, the balance of the Defendant Currency, to wit, \$5,455.00, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement and Joint Motion for Consent Order of Forfeiture, which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

¹Federal law, codified at 31 U.S.C. § 3716 (the “Debt Collection Improvement Act of 1996”), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimants owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

1. All persons and entities other than Jaleel Lateef Battles claiming any right, title or interest in or to the Defendant Currency are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Marshals Service shall return \$5,455.00 of the Defendant Currency to Jaleel Lateef Battles by electronic funds transfer payment from the United States to “Johnson, Toal, and Battiste, P.A. Trust Account.”

3. Pursuant to 21 U.S.C. § 881(a)(6), the balance of the Defendant Currency, to wit, \$5,455.00, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$5,455.00 of the Defendant Currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$5,455.00 of the Defendant Currency are hereby forever foreclosed and barred.

5. The \$5,455.00 of the Defendant Currency forfeited herein shall be disposed of by the United States in accordance with law.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Greenville, SC
November 9, 2011